

ATTACHMENT 2
Request for Declaration of
Interference
USSN 10/619,224

Notice of Allowability	Application No.	Applicant(s)	
	09/137,963	SCHEMBRI, CAROL T.	
	Examiner	Art Unit	
	MONZER R CHORBAJ	1744	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

1 ☒ This communication is responsive to the amendment filed on 7/11/00.

2 ☒ The allowed claim(s) is/are 1-46

3 ☐ The drawings filed on _____ are acceptable

4 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d)
 a) ☐ All b) ☐ Some* c) ☐ None of the CERTIFIED copies of the priority documents have been
 1 ☐ received
 2 ☐ received in Application No. (Series Code / Serial Number) _____
 3 ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a))

* Certified copies not received: _____

5 ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. & 119(e)

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a).

6 ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

7 ☒ Applicant MUST submit NEW FORMAL DRAWINGS
 (a) ☐ because the originally filed drawings were declared by applicant to be informal
 (b) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☒ to Paper No. 3
 (c) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 (d) ☐ including changes required by the attached Examiner's Amendment / Comment

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8 ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER), if applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. 7 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other
---	--

Application/Control Number: 09/137963

Page 2

Art Unit:

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with G Stewart on 8/16/2000.

2. The application has been amended as follows:

In claim 26, line 1, "further comprising moving a bubble in the fluid" has been replaced by -

wherein the dispelling comprises moving the bubble--

In claim 27, line 1, "said step of nucleating bubbles also comprises moving a bubble in the field"

has been replaced by - the dispelling comprises collapsing the bubble--

3. The following is an examiner's statement of reasons for allowance:

Instant claims 1-46 are allowable over the prior art because the prior art does not teach or fairly

Application/Control Number: 09/137963

Page 3

Art Unit

suggest, alone or in combination, an apparatus or device that mixes by creating bubbles at selected locations and dispelling or moving the created bubbles.

4 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monzer R. Chorbaji whose telephone number is (703) 305-3605.

MRC *MRC*

August 28, 2000

Robert J. Warden, Sr.
ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Form PTO-850 (Rev. 01-10-2001)

INTERFERENCE INITIAL MEMORANDUM

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Junior Party Schembri	09/782,542	02/12/01	6,513,968	02/04/03

If the involved is a patent, have its maintenance fees been paid? Yes ☐ No ☐ Not due yet ☒

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/137,963	08/21/98	6,186,659	02/13/01

The claim(s) of this party corresponding to this count:

PATENTED OR PATENTABLE PENDING CLAIMS
Patented claims 20-35UNPATENTABLE PENDING CLAIMS
N/A

The claim(s) of this party NOT corresponding to this count:

PATENTED OR PATENTABLE PENDING CLAIMS
Patented Claims 1-19UNPATENTABLE PENDING CLAIMS
N/A

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Senior Party Besemer et al.	10/619,224	7/12/03	N/A	N/A

If the involved is a patent, have its maintenance fees been paid? Yes ☐ No ☐ Not due yet ☒

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	10/229,759	8/28/02	N/A	N/A
USA	10/046,623	1/14/02	6,551,817	4/22/03
USA	09/907,196	7/17/01	6,399,365	6/4/02
USA	09/302,052	4/29/99	6,287,850	9/11/01
USA	08/485,452	6/7/95	5,945,334	8/31/99
USA	08/255,682	6/8/94	N/A	N/A

The claim(s) of this party corresponding to this count:

PATENTED OR PATENTABLE PENDING CLAIMS

Patentable pending claims 66-70 and 73-78

UNPATENTABLE PENDING CLAIMS
None

The claim(s) of this party NOT corresponding to this count:	
PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
None	None

(Check off each step, if applicable) **INSTRUCTIONS**

- ☐ 1. Obtain all files listed above.
- ☐ 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- ☐ 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- ☐ 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- ☐ 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NUMBER
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)		TELEPHONE NUMBER